

August 1, 1979

Richard P. Knerr  
Co-Chairman of the Board  
Wham-O Manufacturing Co.  
835 E. El Monte Street  
San Gabriel, California 91778

Re: CPSC HEB 79-2362

Dear Mr. Knerr:

The Hazard Evaluation Branch of the Consumer Product Safety Commission has received information concerning an eye injury and the hospitalization of a child resulting from the use of a Wham-O Fun Fountain, stock no. 237, manufactured by your firm. The child was reported to be leaning over the clown's head portion of the toy when the water was turned on and the pressurized stream of water struck him in the left eye causing both eyelids to invert. With respect to this report would you please provide the following information:

1. The number of units of the Wham-O Fun Fountain, stock no. 237, produced to date.
2. Estimate the number of units of this product in the chain of distribution (e.g., number of units warehoused, distributor's possession, consumer's possession).
3. Please provide a summary of all complaints on file relative to this product.
4. What is your assessment and comment regarding this report.

173

1583

Page 2  
Richard P. Knerr  
Wham-O Manufacturing Co.

Your attention is directed to section 15(b) of the Consumer Product Safety Act, as amended (CPSA), 15 U.S.C. 2064(b), and to 16 CFR 1115 (a copy of each is enclosed). These documents explain your obligation to furnish information to the Commission.

If you desire confidential treatment of any of the information provided to the Commission through this Division, please read carefully the enclosed Federal Register notice of February 22, 1977, concerning the Freedom of Information Act, paying close attention to section 1015.18 (see page 10494). In addition, please read carefully the enclosed Federal Register notice of August 7, 1978, especially section 1115.15 concerning confidentiality and disclosure of data (see page 35003) and the discussion of confidentiality in the preamble to the regulation (see pages 34995-96). FAILURE TO REQUEST -- EITHER AT THE TIME OF THE SUBMISSION OR WITHIN TEN (10) WORKING DAYS OF THE SUBMISSION -- THAT THE INFORMATION BE CONSIDERED EXEMPT FROM DISCLOSURE WILL BE CONSIDERED AN ACKNOWLEDGMENT THAT YOU DO NOT WISH TO CLAIM EXEMPT STATUS. THE INFORMATION WILL BE RELEASED IF YOU DO NOT MAKE A WRITTEN REQUEST FOR EXEMPTION IN ACCORDANCE WITH SECTION 1015.18.

Your response should cite the identification number indicated in this letter and be submitted to the Chief, Hazard Evaluation Branch, Product Defect Correction Division, Consumer Product Safety Commission, 5401 Westbard Avenue, Room 200, Washington, D.C. 20207, by 5:00 p.m. on August 15, 1979.

Sincerely yours,

John K. O'Connor, Chief  
Hazard Evaluation Branch  
Product Defect Correction Division

By: Betty Fees  
Hazard Evaluation Branch

LOS-AO

174

186

26 JUN 1979

H IND 1		INDEX		EPIDEMIOLOGIC IN-DEPTH INVESTIGATION REPORT	
1 CASE NO. 790611MIN5002		3			
2 DATE OF ACCIDENT MO DAY YR 0 6 0 4 7 9		4			
PRODUCT CODES		5 845		6 SPECIAL STUDY	
				7 CODER ID	
8 NEISS REFERENCE					
HOSPITAL ID		BATCH DATE MO DAY YR		RECORD NO.	
N/A					
9 DATE INVESTIGATION INITIATED MO DAY YR 0 6 1 3 7 9		10 CONTRACTOR/AREA OFFICE CODE 8 4 0		11 CASE SOURCE (POLICE, FIRE, RADIO, NEWSPAPER, NEISS, ETC.) Consumer Complaint <input type="checkbox"/>	
INVESTIGATOR'S ID 8 2 6 3		REVIEWED BY: ID/DATE 8 1 5 2		MO DAY YR 0 6 2 2 7 9	
12 TIME SPENT ON INVESTIGATION (total hours) 0 8		13 ON SITE VISIT MADE IF "NO" EXPLAIN IN NARRATIVE YES-1 NO-2 2		14 PRODUCT PHYSICALLY EXAMINED IF "NO" EXPLAIN IN NARRATIVE YES-1 NO-2 1	
15 SUPPLEMENTAL GUIDE USED YES-1 NO-2 2					
LOCATION OF ACCIDENT					
16 STATE Minnesota		17 COUNTY Hennepin		18 CITY Minnetonka	
19 GENERAL LOCATION (Home, school, etc.) Home		20 SPECIFIC LOCATION (Gym, kitchen, attic, etc.) Outside in Yard			
DEMOGRAPHIC DATA					
21 RACE (Use numerical code) WHITE -1 BLACK -2 SPANISH SURNAME AMER. -3 ASIAN AMERICAN -4 AMERICAN INDIAN -5 OTHER -6 1		22 SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 1		23 AGE IF TWO (2) YEARS OR OLDER INDICATE AGE IN YEARS PRECEDED BY THE NUMBER "0". IF UNDER TWO (2) YEARS INDICATE AGE IN MONTHS PRECEDED BY THE NUMBER "2" 0 0 6	
24 HEIGHT IN INCHES 4 7		25 WEIGHT (lbs) 0 3 6		26 HANDEDNESS (Use numerical code) RIGHT -1 BOTH -3 LEFT -2 UNKNOWN -4 1	
27 EDUCATION IN YEARS 1 year		28 MARITAL STATUS Single		29 OCCUPATION None	
30 RESPONDENT (S) (MOTHER, FRIEND, ETC.) Victim's Mother & Father					
INJURY DATA					
31 TIME OF ACCIDENT (24 hour clock) 1 5 0 0		32 DAY OF WEEK OF INJURY/ACC (Use numerical code) (Sun-1, Mon-2, Tue-3, Wed-4, Thu-5, Fri-6, Sat-7) 2		33 FIRST AID GIVEN (Use numerical code) YES-1 NO-2 UNKNOWN-3 N/A-9 1	
34 TIME FIRST SEEN IN EMERGENCY ROOM (24 hour clock) 1 9 3 0		35 DATE FIRST SEEN IN EMERGENCY RM MO DAY YR 0 6 0 4 7 9		36 EST. NO. DAYS INCAPACITATED 0 0 5	
37 PATIENT DISPOSITION (Use numerical code) TREATED AND RELEASED -1 TREATED AND ADMITTED -2 TREATED AND TRANSFERRED -3 EXPIRED IN EMER ROOM -4 EXPIRED AFTER FIRST DAY -5 DEAD ON ARRIVAL -6 OTHER OR UNKNOWN -7 N/A -9 2				38 LENGTH OF STAY IN HOSPITAL (specify in days) 004 Days	

HIEI; HEB; LOS; MIN

175

H IND 2		CASE NO. 790611MIN5002	
39 INJURY DIAGNOSIS Hyphema		40 BODY PART Left Eye	
41 INJURY DIAGNOSIS NONE		42 BODY PART NONE	
43 INJURY DIAGNOSIS NONE		44 BODY PART NONE	
45 INJURY DIAGNOSIS NONE		46 BODY PART NONE	
47 INJURY DIAGNOSIS NONE		48 BODY PART NONE	
PRODUCT DATA (BE AS SPECIFIC AS POSSIBLE)			
TYPE(S) OF PRODUCT			
49 FIRST "Fun Fountain" Water Toy		50 SECOND None	
51 THIRD None		52 FOURTH None	
53 NUMBER OF PRODUCTS OF THIS CATEGORY IN HOUSEHOLD 0 1		54 FREQUENCY OF USE 1st Use	
		55 AVERAGE TIME PER USE N/A	
FIRST PRODUCT		MANUFACTURER IDENTIFICATION	
56 TRADE/BRAND NAME MANUFACTURER & ADDRESS		BRAND: Wham-O MFR: Wham-O Mfg. Co. San Gabriel, CA 91778	
57 MOD. NO. 2 3 7		58 SER. NO. NONE	
FOR ITEMS 59 THRU 66 USE THESE CODES AND AMPLIFY IN NARRATIVE YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4			
59 CERTIFICATION ON PRODUCT (AGA, U/L, ETC.)	60 ANY SAFETY DEVICE(S) PRESENT ON PRODUCT	61 APPLICABLE SAFETY DEVICE IN USE	62 WARNING OR CAUTION STATEMENT PRESENT ON PRODUCT
2	2	4	2
63 WARNING OR CAUTION STATEMENT FOLLOWED	64 AGE OF PRODUCT MONTHS PRECEDED BY "2"; YEARS PRECEDED BY "0"	65 PRODUCT STATUS OWNED - 1 BORROWED - 3 RENTED - 2 OTHER - 4	66 PRODUCT MODIFIED IN ANY WAY, INCLUDING ADDITION OF SAFETY DEVICE(S)
4	2 0 1	1	2
SECOND PRODUCT		MANUFACTURER IDENTIFICATION	
67 TRADE/BRAND NAME MANUFACTURER & ADDRESS		N/A	
68 MOD. NO.		69 SER. NO.	
FOR ITEMS 70 THRU 77 USE THESE CODES AND AMPLIFY IN NARRATIVE YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4			
70 CERTIFICATION ON PRODUCT (AGA, U/L, ETC.)	71 ANY SAFETY DEVICE(S) PRESENT ON PRODUCT	72 APPLICABLE SAFETY DEVICE IN USE	73 WARNING OR CAUTION STATEMENT PRESENT ON PRODUCT
74 WARNING OR CAUTION STATEMENT FOLLOWED	75 AGE OF PRODUCT MONTHS PRECEDED BY "2"; YEARS PRECEDED BY "0"	76 PRODUCT STATUS OWNED-1 BORROWED-3 RENTED-2 OTHER-4	77 PRODUCT MODIFIED IN ANY WAY, INCLUDING ADDITION OF SAFETY DEVICE(S)

176

H IND 3

CASE NO.

790611MIN5002

## THIRD PRODUCT

## MANUFACTURER IDENTIFICATION

78 TRADE/BRAND NAME  
MANUFACTURER & ADDRESS

N/A

79  
MOD.  
NO.80  
SER.  
NO.

FOR ITEMS 81 THRU 88 USE THESE CODES AND AMPLIFY IN NARRATIVE YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4

81 CERTIFICATION  
ON PRODUCT  
(AGA, U/L, ETC.)82 ANY SAFETY DEVICE(S)  
PRESENT ON PRODUCT83 APPLICABLE  
SAFETY DEVICE  
IN USE84 WARNING OR CAUTION  
STATEMENT PRESENT  
ON PRODUCT85 WARNING  
OR CAUTION  
STATEMENT  
FOLLOWED86 AGE OF PRODUCT  
MONTHS PRECEDED  
BY "2"; YEARS  
PRECEDED BY "0"87 PRODUCT STATUS  
OWNED-1 BORROWED-3  
RENTED-2 OTHER-488 PRODUCT MODIFIED IN  
ANY WAY, INCLUDING  
ADDITION OF SAFETY  
DEVICE(S)

## FOURTH PRODUCT

## MANUFACTURER IDENTIFICATION

89 TRADE/BRAND NAME  
MANUFACTURER & ADDRESS

N/A

90  
MOD.  
NO.91  
SER.  
NO.

FOR ITEMS 92 THRU 99 USE THESE CODES AND AMPLIFY IN NARRATIVE YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4

92 CERTIFICATION  
ON PRODUCT  
(AGA, U/L, ETC.)93 ANY SAFETY DEVICE(S)  
PRESENT ON PRODUCT94 APPLICABLE  
SAFETY DEVICE  
IN USE95 WARNING OR CAUTION  
STATEMENT PRESENT  
ON PRODUCT96 WARNING  
OR CAUTION  
STATEMENT  
FOLLOWED97 AGE OF PRODUCT  
MONTHS PRECEDED  
BY "2"; YEARS  
PRECEDED BY "0"98 PRODUCT STATUS  
OWNED-1 BORROWED-3  
RENTED-2 OTHER-499 PRODUCT MODIFIED IN  
ANY WAY, INCLUDING  
ADDITION OF SAFETY  
DEVICE(S)

## NARRATIVE

Use the following "outline" in reconstructing the accident sequence and in describing the condition associated with the accident or injury. Include in your narrative as many factors as possible relating to the victim's activities, accident, injury and product(s). Use Supplemental Investigation guide if appropriate. Be sure to enclose photos and diagrams as per instructions to enhance your report.

**SYNOPSIS:** What product was involved; how the accident occurred; where the accident occurred; who was injured; description of the injury.

**PRE-ACCIDENT:** Activities of victim prior to accident; unusually tired or fatigued; physical condition (consider: acutely ill, chronically ill, handicapped or disabled, under influence of drugs or alcohol); upset for any reason; awareness that this activity might be dangerous; any safety precautions taken to prevent such an accident; familiarity with proper operation of product; level of experience with product; performed this specific activity before; immediate environment and related factors (atmospheric conditions; obstacles; wet; uneven; rough or slippery surface).

**ACCIDENT:** Exact activity of victim at time of injury; any distractions or unusual circumstances; in a hurry; relative position of product and part of body injured; type of energy transfer that caused injury (mechanical, electrical, thermal, radiation, chemical); source of energy involved (product, victim, outside source); safety measures/devices being followed or used.

**POST-ACCIDENT:** Actions of victim, or bystanders, injury treatment; severity of injury; any permanent impairment (nerve damage, stiff joints, loss of sight, etc.); action taken to prevent reoccurrence; principal dimensions of product involved; physical condition of product after accident.

**PRODUCT IDENTIFICATION:** Who manufactured the product; where; of what material was the product constructed; any caution instructions, age recommendations; describe any controls on product, such as on/off mechanism; describe any safety device(s) on or included with product, describe general condition of product, broken parts, sharp edges, small removable parts; has the product been repaired, where, when, how; were any parts removed or replaced; was the product assembled when purchased; was the product purchased or rented; where, when; if the product is electrical was it plugged in at the time of accident, was it grounded and/or double insulated; describe the length of cord and its condition; etc.

177

## NARRATIVE (Continue on additional sheet)

SYNOPSIS

This is an investigation of an accident that occurred on 6/4/79 in the yard of the victim's home. The victim is a 6 year old white male who was struck in the left eye by the pressurized stream of water coming from a "Wham-O Fun Fountain", Stock No. 237, manufactured by Wham-O Manufacturing Co., San Gabriel, California 91778. The victim sustained Hyphema (blood in the anterior chamber of the eye) in his left eye, and required hospitalization for 4 days. The water toy was brand new and had been used for only 30 to 60 minutes prior to the accident occurring.

PRE-ACCIDENT

This investigation was initiated as a follow-up to a consumer complaint (See Exhibit 1). The respondents in this investigation were the mother and father of the 6 year old victim.

The victim was given the "Wham-O Fun Fountain" as a gift from his uncle for his sixth birthday over the weekend of June 2, 1979. The "Fun Fountain" has a base in the shape of a clown's head, which is made of polystyrene. A garden hose is attached to the hose attachment on the clown head base of the toy (See Photo 2 of Exhibit 2). The water passes through a tube inside the clown's head and is pressurized as it exits a small nozzle on the top of the clown's head (See Photo 8 of Exhibit 2). The pressurized stream of water exiting the nozzle on the clown's head lifts and holds the hat up in the air, and the hat spins spraying the water around as the kids play in the water. Attached to this report as Photos 15 and 16 are the instructions for setting up and using the toy. Other pictures of the product being used are included in Photos 12 - 17 of Exhibit 2, which are pictures of all the product labeling that accompanied the product.

During the early afternoon of Monday, 6/4/79, the victim and his younger sister were being cared for by a 14 1/2 year old neighbor girl. The victim's mother stated that the babysitter is very mature and responsible for her age, and she has babysitted the victim and his sister many times in the past and has shown herself to be a very responsible individual. The babysitter set up the "Wham-O Fun Fountain" according to the instructions on the box for the victim, his sister, and another neighborhood playmate. The babysitter then supervised the children as they played with the "Wham-O Fun Fountain" for approximately 30 - 60 minutes before the accident occurred. The label on the box states that the product is recommended for children 5 years or older, and the victim is 6 years old, so it was being used by the proper age group at the time of the accident. The babysitter was turning the water on and off for the children as they played in the "Wham-O Fun Fountain".

178

-2-

The hat from the clown's head Fun Fountain was not on the toy at the time of the accident. The accident occurred at approximately 3:00 p.m. on 6/4/79. The small white plastic piece that clips on the top of the clown's head (See Photo 7 of Exhibit 2) was on the toy at the time of the accident.

#### ACCIDENT

The victim's mother stated that the babysitter told her that the children had been playing with the "Wham-O Fun Fountain" for a period of approximately 30 - 60 minutes. The babysitter would turn the water on and off when needed as the kids were playing in the Fun Fountain. After the water had been turned off on one occasion, the victim was standing near the clown's head base of the Fun Fountain. He apparently was leaning over the clown's head when the water was turned on by the babysitter. The pressurized stream of water struck the victim in the left eye causing both eyelids to invert with the eyelashes trapped underneath the eyelids and rubbing against the eye.

#### POST-ACCIDENT

The babysitter realized what had happened and immediately turned off the water. The victim was quite hysterical and the babysitter was having trouble settling him down, so she ran to her home next door and got her mother to come attend to the victim. The babysitter's mother had the victim come over to her house where she was able to calm the victim and get him to lay down. The babysitter's mother then examined the victim's eye and was able to correct the inverted eyelashes on his left eye, which were causing pain to the victim. The babysitter's mother found that the victim's eye was very red and bloodshot from the impact of the pressurized water striking the eyeball. She put some type of eye drops in the victim's left eye to try to relieve the pain and irritation.

The mother of the victim returned home at approximately 5:00 p.m. that afternoon. The babysitter and her mother brought the victim back to his home and explained to the victim's mother what had happened. After looking at the victim's eye, the victim's mother decided to telephone their doctor to see if the eye should be examined. The family's physician referred the victim's mother to an eye specialist to have the eye examined. The victim's mother telephoned the eye specialist's office but he was not available, and did not return the call until 7:00 p.m. on 6/4/79. By this time, there was blood visible on the lower portion of the victim's iris. The eye specialist instructed the victim's mother to take the victim to the near-by hospital emergency room where he would meet them to examine the eye. The victim's mother and father both went with the victim to the emergency room where the eye specialist examined the victim's eye at approximately 7:30 p.m. After examining the eye, the eye specialist had the victim admitted to the hospital.

179 / 58

-3-

The eye specialist diagnosed the injury as Hyphema, which is a collection of blood in the anterior chamber of the eye. A metal shield and patch were placed over the victim's injured left eye and he was restricted to bed rest in the hospital. By the time the victim arrived in the hospital on 6/4/79, he was not complaining of pain in the eye and his vision was fairly clear also. By 6/7/79, the Hyphema had cleared from the victim's left eye. The victim was discharged from the hospital on 6/8/79 at 3:45 p.m., so his hospital stay was for a period of four days. The victim's father reported that the eye specialist told the family that this type of injury to the eye could possibly lead to Glaucoma or Cataracts at a later date. Therefore, the victim will require frequent examinations of his injured eye for the next three years, and a less stringent examination schedule for a period of ten years to make sure that the eye is not developing signs of Glaucoma or Cataracts.

#### PRODUCT IDENTIFICATION

The product involved in this accident is a "Wham-O Fun Fountain", Stock No. 237, manufactured by Wham-O Manufacturing Company, San Gabriel California 91778. The "Wham-O Fun Fountain" was brand new at the time of the accident, and had been used for a period of approximately 30 or 60 minutes before the accident occurred. Attached to this report as Exhibit 2, Photos 1 - 11 are pictures of the "Wham-O Fun Fountain", which is in the shape of a clown's head as a base, with a removable plastic hat. Included in the captions for these eleven pictures are the dimensions of the product. Attached to this report as Exhibit 2 Photos 12 - 17 are pictures of the labeling on the box that the product is packaged in, providing pictures of the product in use as well as instructions for using and storing the product.

#### EXHIBITS

Attached to this report are the following:

Exhibit 1 - Copy of Consumer Product Complaint Report dated 6/11/79.

Exhibit 2 - 17 photographs of the "Wham-O Fun Fountain" water toy and product labeling.

180 / 40

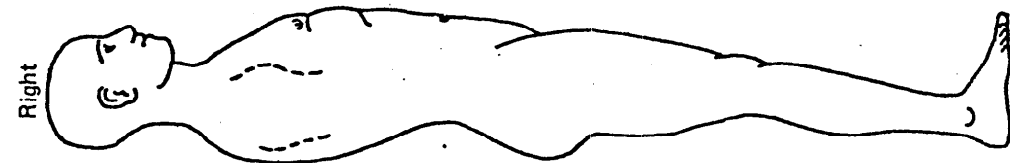
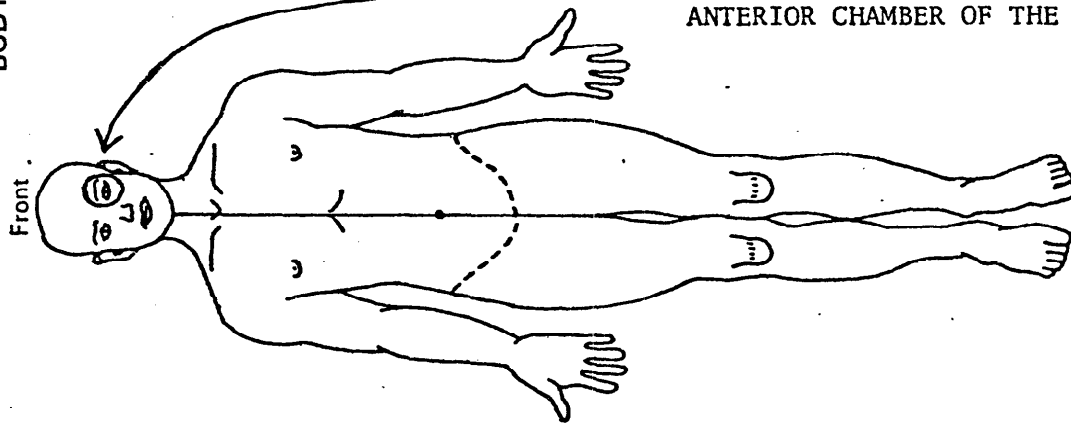
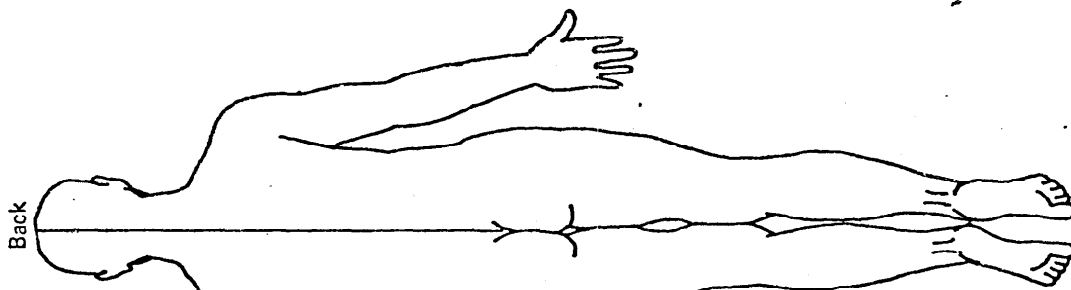
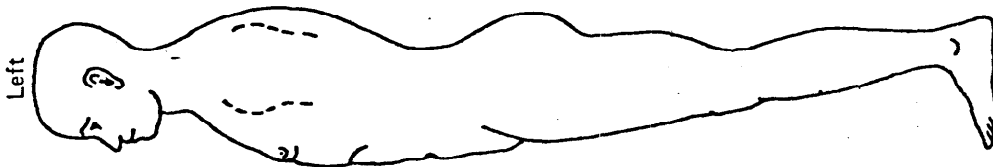


LOCATION OF INJURY

Left Eye

CASE NUMBER  
790611MIN5002

BODY DIAGRAM



VICTIM WAS STRUCK IN THE LEFT EYE  
BY THE PRESSURIZED WATER COMING  
FROM THE "FUN FOUNTAIN", WHICH  
CAUSED HYPHEMA (BLOOD IN THE  
ANTERIOR CHAMBER OF THE EYE).

3° BURN



2° BURN



1° BURN



KEY FOR BURN CASES

GPO 879-552

CPSC FORM NO. 182

181

4

#1240 TO: MEK 6-13-79

## CONSUMER PRODUCT COMPLAINT REPORT

1. NAME OF COMPLAINANT [REDACTED] (work number) [REDACTED]		2. TELEPHONE NO. [REDACTED]	3. DATE OF INCIDENT 6/4/79
4. STREET ADDRESS [REDACTED]		5. CITY, STATE, ZIP CODE Minnetonka, MN [REDACTED]	
6a. DESCRIPTION OF PRODUCT(S) wateroperated toy attached to garden hose.		6b. Date Aquired 6/4/79 (gift)	
7. BRAND NAME Fun Fountain		8. MODEL/STYLE NO.	
9. SERIAL NO.		10. LOT/BATCH NO.	
11. MANUFACTURER, IMPORTER OR DISTRIBUTOR NAME AND ADDRESS Whamo Mfg. Co 835 E. Elmouth St. San Gabriel, CA 91778		12. DEALER NAME AND ADDRESS unknown, Product received as a birthday gift.	
13. HOW PRODUCT ACQUIRED PURCHASED NEW <input checked="" type="checkbox"/> SECOND HAND <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY _____			
14. SAMPLE AVAILABLE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		15. WARNING LABEL YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
16. INSTRUCTIONS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
17. PRODUCT DAMAGED BEFORE INCIDENT YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	18. PRODUCT REPAIRED BEFORE → INCIDENT ← AFTER YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		19. AGE OF PRODUCT (ESTIMATE IF NECESSARY) New
IF INJURY OR ILLNESS COMPLETE ITEMS 20 - 24			
20. VICTIM'S AGE 6	21. VICTIM'S SEX MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>	22. BODY PART(S) INVOLVED Left eye	
23. TYPE OF INJURY OR ILLNESS BURN <input type="checkbox"/> FRACTURE <input type="checkbox"/> CUT <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY _____			
24. MEDICAL TREATMENT RECEIVED PHYSICIAN'S OFFICE <input type="checkbox"/> EMERGENCY ROOM <input checked="" type="checkbox"/> OTHER HOSPITAL <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY _____			
25. GIVE DETAILS OF COMPLAINT, INJURY, OR ILLNESS. DESCRIBE HOW INCIDENT OCCURRED. USE REVERSE SIDE IF NECESSARY.  Product is shaped like a clown with a conical shaped removable hat. Product is attached to garden hose. Water pressure forces hat up in the air where it is held by water stream. Victim was looking down at product which did not have the clown hat in place. A playmate turned on the water, which struck victim in left eye. Victim was taken to emergency room and admitted to hospital for 4½ days. Extent of eye damage not yet known.  #790611MIN5002 EXHIBIT 1 <i>Q2</i>			
FOR COMMISSION USE ONLY			
26. RECEIVING OFFICE MIN	27. DATE RECEIVED 6/11/79	28. RECEIVED BY DDD	
29. SOURCE OF REPORT LETTER <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> VISIT <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY _____		30. DOCUMENT NO. M96 0010	
31. FOLLOW-UP ACTION Assign for in-depth. 790611MIN5002		32. PRODUCT CODE(S) 1365	
33. DISTRIBUTION HIEI, LOSAO, MIN file # 1365		34. ENDORSER'S NAME AND TITLE D. [REDACTED] 6/11/79	

182

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR \_\_\_\_\_

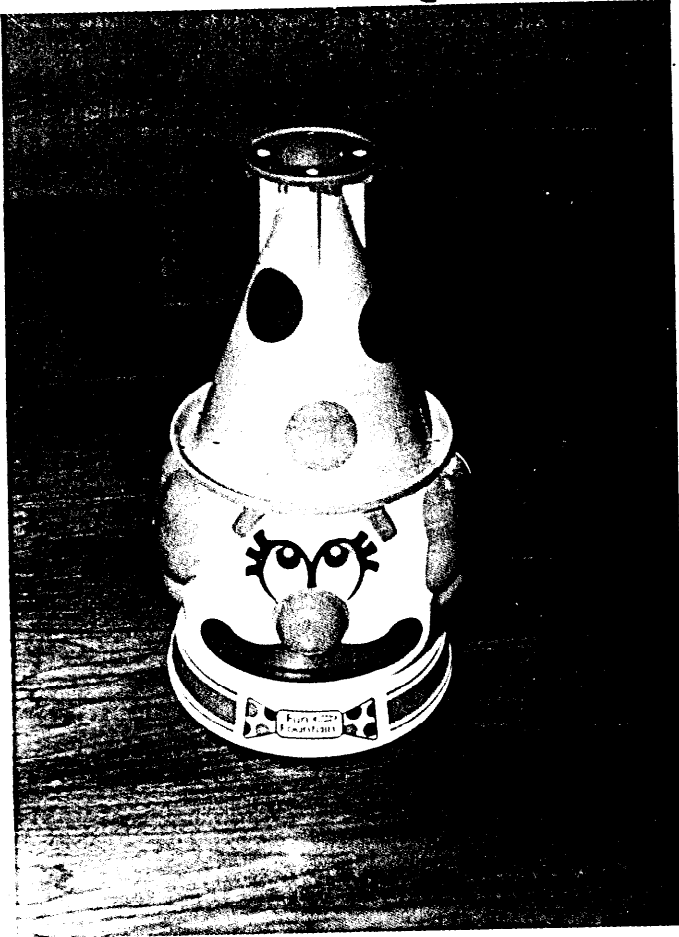
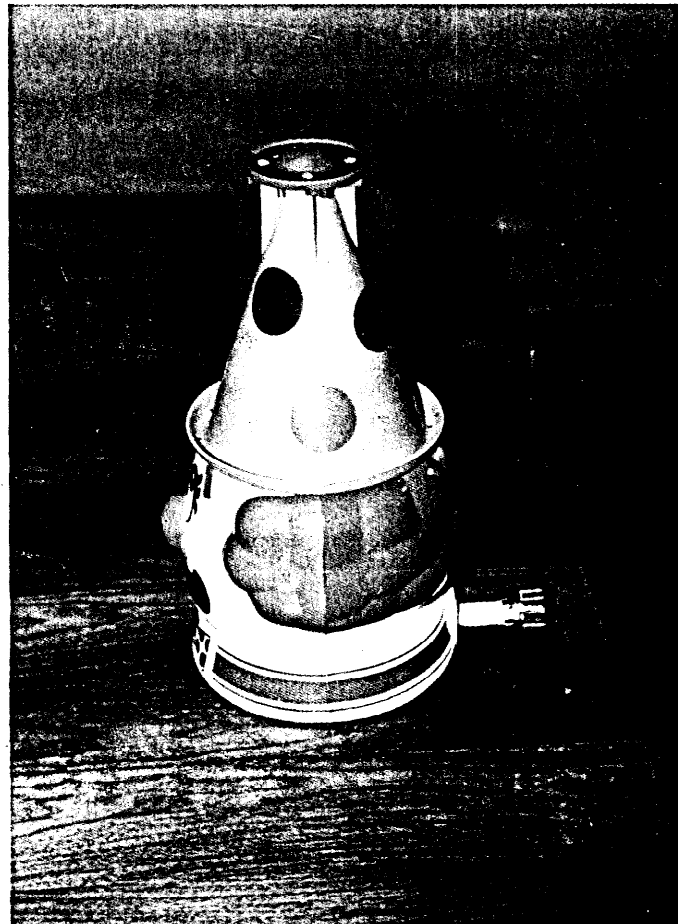


PHOTO #1 - Overall front view of the Wham-O Fun Fountain, Stock No. 237, mfrd. by Wham-O Mfg. Co., San Gabriel, CA 91778. The water toy was one day old at the time of the accident, and had been used approx. 30-60 minutes when the accident occurred.

PHOTO #2 - Overall side view of the Wham-O Fun Fountain. The height of the toy, with the hat on, is 17 1/2". Note the hose attachment on back of toy.



183

183

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR \_\_\_\_\_

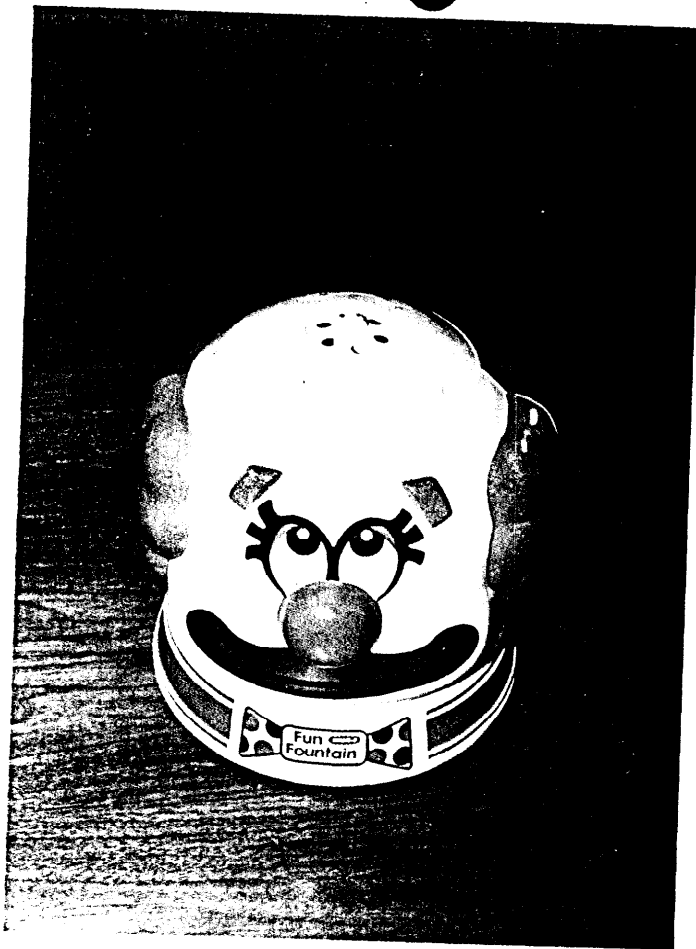


PHOTO #3 - Front view of the toy without the hat of the small plastic piece that fits on top of the clown head (See Photo #7). The height of the toy without the hat is 10".

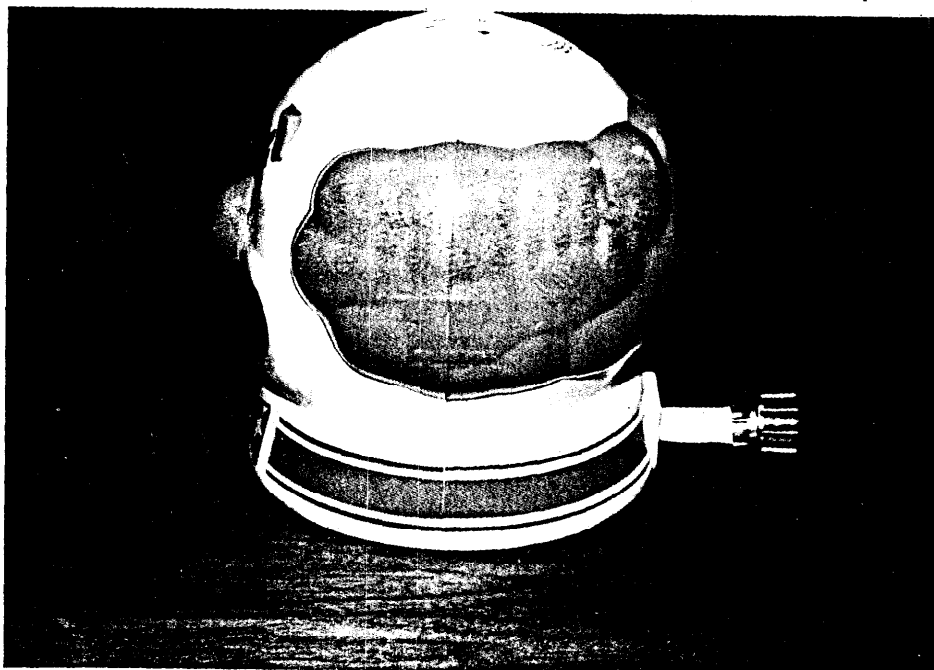


PHOTO #4 - Side view of the toy without the hat on.

184 194

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR \_\_\_\_\_



PHOTO #5 - Front view of the Fun Fountain with the small white plastic piece in place on top of the clown's head.

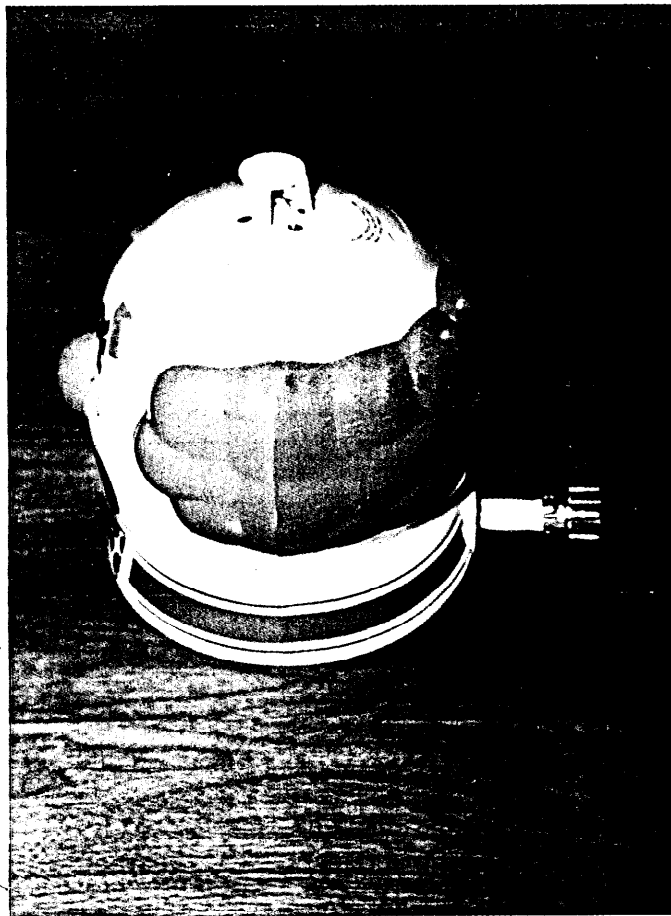


PHOTO #6 - Side view of the toy with the small plastic piece on the clown's head.

✓ 95  
185

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR                     

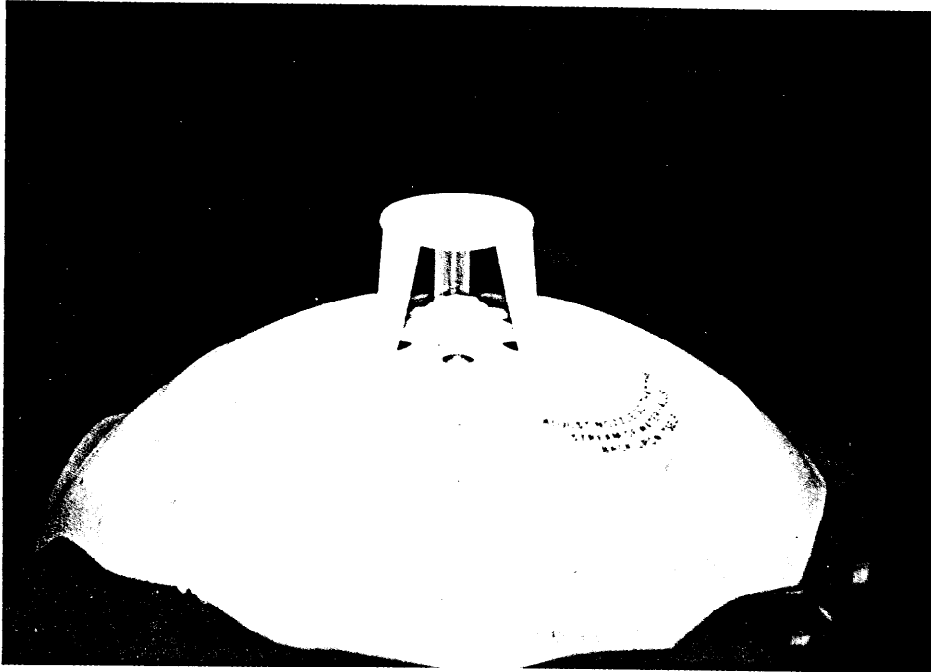


PHOTO #7 - Close-up view of the removable small plastic piece on the clown's head. This piece clips on and apparently intensifies the water stream coming from the toy. The plastic piece is 1 1/8" tall.

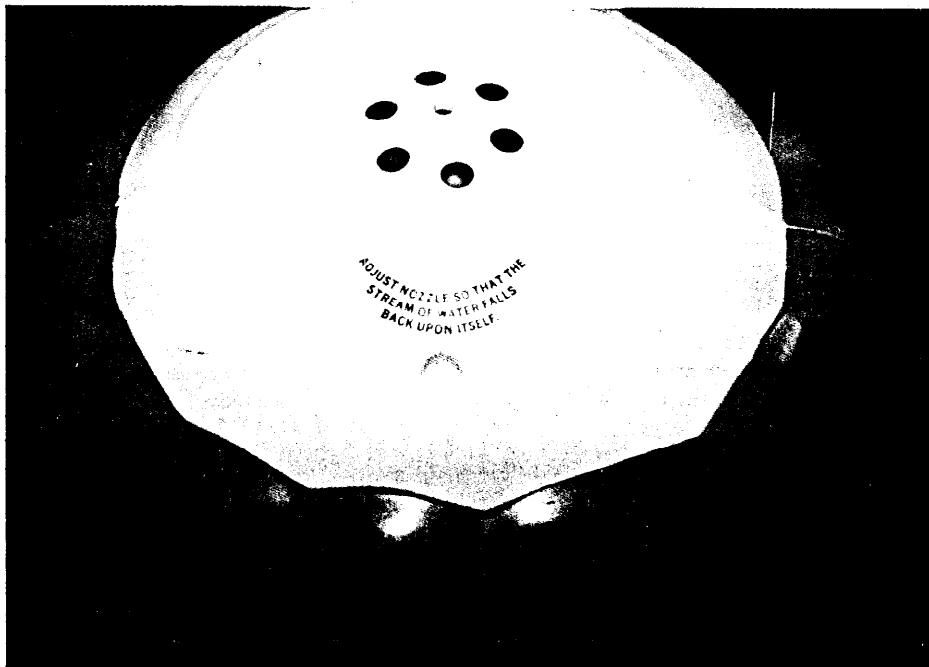


PHOTO #8 - Close-up view of the top of the clown's head, with the small plastic piece removed. The water stream exits through the small nozzle in the center of the clown's head. The direction of the water stream is adjustable slightly by rotating the center piece with the nozzle and six other holes in it.

194

186

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR                     



PHOTO #9 - Picture of the labeling on the clown's head.

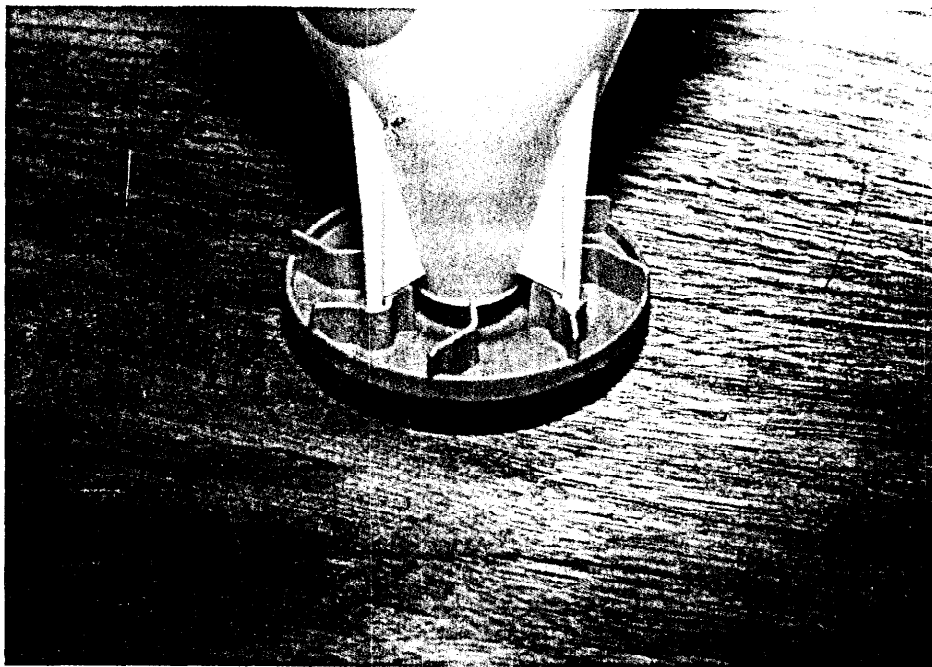


PHOTO #10 - Close-up view of the top portion of the clown's hat, which is held up in the air by the water pressure and spins spraying water out the top of the hat. The hat is 9 1/2" tall, with a diameter of 8" at the bottom and the orange top has a diameter of 3 1/2".

187

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR                     

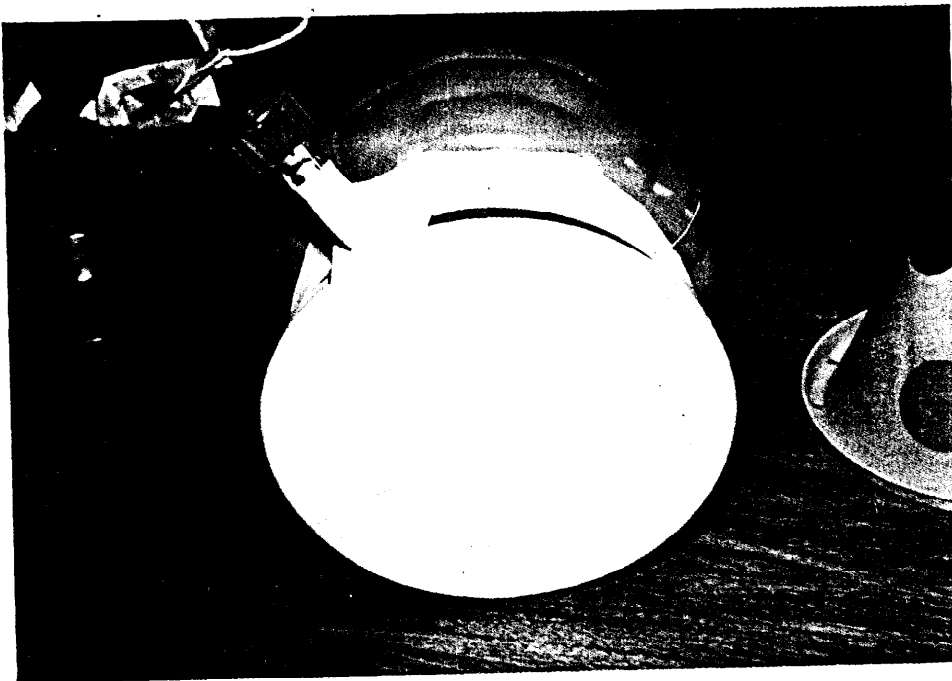


PHOTO #11 - Picture of the base of the clown's head, which has a diameter of 8 3/4". The hose attachment is 3" long.



PHOTO #12 - Front label of the product box.

*Handwritten signature or initials*

*188*



EXHIBIT 2

MSP AREA OFFICE

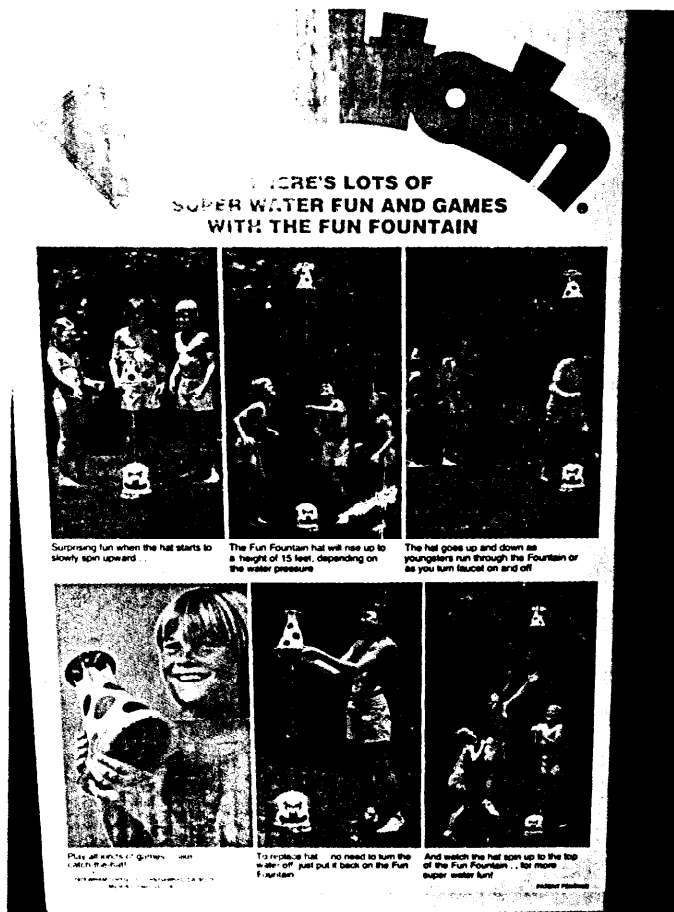
INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR \_\_\_\_\_



PHOTOS #13 & #14 - Side panels of the product box. Note that the third picture on the side panel label pictured below shows a youngster running through the pressurized water stream with his face down, where he could possibly be struck in the eye by the water.



189

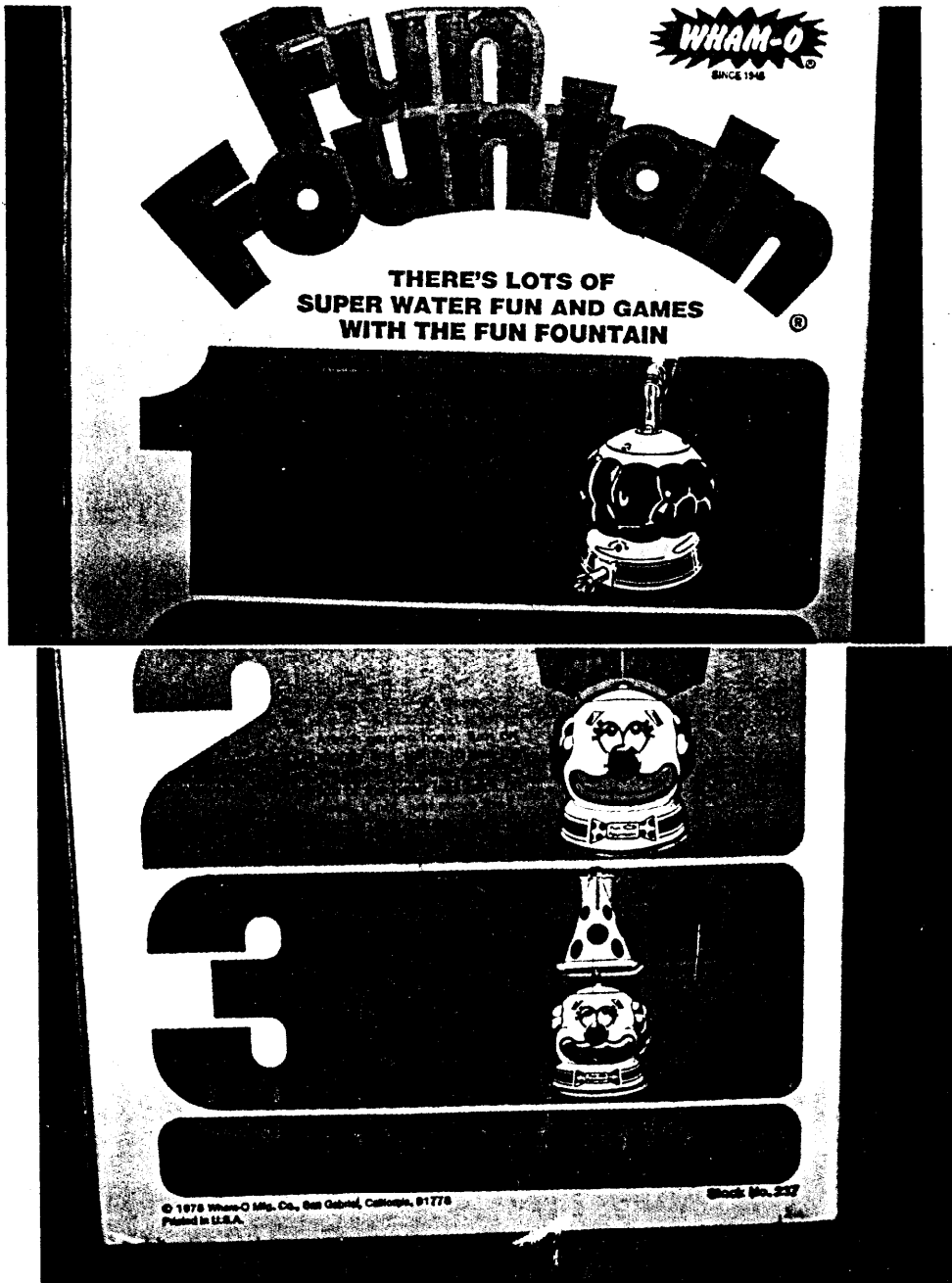
EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR                     



PHOTOS #15 & #16 - Instructions found on the product box.

*KOP*  
*190*

EXHIBIT 2

MSP AREA OFFICE

INVESTIGATION # 790611MIN5002

DATE 6/13/79

INVESTIGATOR \_\_\_\_\_



PHOTO #17 - Top panel label on the product box.

✓  
191.

#790611MIN5002

CONFIDENTIAL INFORMATION

NAME & ADDRESS OF VICTIM: James D. Wright  
5741 Scenic Heights Drive  
Minnetonka, MN 55343

PARENTS OF VICTIM: Mr. & Mrs. Tom Wright  
Phone (612)-934-9444

FATHER'S WORK ADDRESS: Northwestern National Bank  
Trust Department  
7th & Marquette  
Minneapolis, MN. 55402  
Phone (612)-372-8906

RESTRICTED

*202*

*192*

WHAM-O  
FUN FOUNTAIN  
2/29

TELECON

CB FR. JOHN NICKERSON  
(BOS 40)

re : wham-o

FUN FOUNTAIN point-of-purchase  
posters


Child World store in Arson Mass  
called John N. + asked if he  
could change the poster by  
eliminating the words  
"This is not a recall  
no returns will be accepted." because  
Child World is willing to accept returns.  
CB = J.N. knew nothing about  
this product or cap + called  
CB.  
CB approved Child World's  
omission of the words. JN will  
relay this to the store.

LM

193

MEMO RECORD	AVOID ERRORS PUT IT IN WRITING	DATE March 5, 1989
FROM: Soudi Shimazaki, CEPD	OFFICE	
TO: Roger Burrows, LOS 40	DIVISION	
SUBJECT: Wham-O Fun Fountain, ID 80-16		
<p>SUMMARY</p> <p>Enclosed is some additional information I received from Wham-O with regard to their final proposal for their corrective action plan. I did not enclose a copy of the company's point of purchase poster because it measures 22" by 28". Your inspector may wish to pick one up at the company for your information.</p> <p>A joint press announcement should be issued either tomorrow or on Monday March 10.</p> <p>Please contact Wham-O to begin monitoring if you have not already done so. I want to be sure that they begin reporting the progress of their CAP to you soon.</p> <p>We are in the process of writing up their CAP in order to formally accept it. You will be getting a copy of that in about 3-4 weeks.</p> <p>Call me if you have any questions.</p>		
SIGNATURE	DOCUMENT NUMBER	

194

MEMO RECORD	AVOID ERRORS BUT IN WRITING	DATE January 9, 1980
FROM: Sandra Shimazaki, CAPD	OFFICE	
TO: Roger Burrows, LOS AO	DIVISION	
SUBJECT: Wham-O Mfg. Co. ID 88-16, Fun Fountain Toy		
<p>SUMMARY</p> <p>Attached is the background information on the Wham-O Fun Fountain corrective action plan. We are still working out the final details of their plan to make it acceptable to us.</p> <p>Please begin to monitor this CAP and schedule the initial monitoring inspection. Thanks</p> <p>Roger - Could you please check into Montly Status Reports which are to be sent to CPD on all open recalls, ID Files. We have not received a Status Report from LOS AO since June 1979. We need to know how monitoring is progressing on all of your files. Thanks again. Please call me if you wish to discuss.</p> 		
SIGNATURE	DOCUMENT NUMBER	

Dr. Esch, viewed incidents involving modified units  
& was not overly concerned - S. his memo 7-29-81

CPSC Info.

Given to Whelan-C at  
9-25-80 EIR  
Mary Ortscheid - consumer complaint  
Wisconsin Rapids, WI Modified unit  
Vaginal injury  
Incident - 8/19/80

IDI 800305CH1 5041

Groene, Illinois

Diane Richmond

Modified

Eye contusion, rupture injury

Incident - 7-28-80

Given to Whelan-C in letter for more  
12-18-81. Has a receipt was asked for more  
notice  
IDI 810506 CEP 2139

Manchester, MO.

4 year old injured - hemorrhaged vagina

Not Modified

IDI 810709 CEP 2241

Dublin, Ohio

5 year old suffered ruptured uterus

Not modified

206

196



Wham-O EIR 9/25/80

Company provided w/ Ortscheid & Richmond complaints

Company aware of:

Barbara Bowman

Levittown, Pa.

3 year old hit in eye, psychologically impaired

Complaint received 5-28-80

Do not know if modified

Janine Loma (rep. by Richard Stewart)

Letter dated 4-14-80

Incident date - 7-30-79

Not modified

Perineal injury

Case settled

✓  
197

## Memorandum

TO : Sandra Shimasaki, CACA  
Through: Peter W. Preuss, Ph.D., AED/Health Sciences *PWP*

FROM : Albert F. Esch, M.D. *Albert F. Esch 7/27/81*  
Medical Director

SUBJECT: Wham-O "Fun Fountain" Water Toy

DATE: JUL 29 1981

In response to your request I have reviewed the three reports of injuries that occurred in association with the above toys. In all three cases the toys had been modified with the retrofit design.

The first complaint involved a five year old female who was struck in her right eye by the stream of water while playing with the toy. The injury was described as redness and swelling in the area of the eye. The application of an ice pack for ten minutes was evidently the only treatment given and the mother stated that there was no permanent injury. This child had been reportedly struck in the face ("nose area") in a similar manner on a previous occasion with no injury.

In the second instance a 3 year old boy allegedly suffered "mental damage" (from an impact to the perineum), but there is very little information on the actual injury.

The third case involved a five year old girl who was reported by her mother to have received perineal injuries, specifically a ruptured hymen, from water pressure encountered while sitting on the toy. The actual occurrence of this type of injury or any other of a serious nature however, was essentially ruled out in the Medical Examiner's report dated October 9, 1980.

None of these three cases appears to have resulted in a permanent or significant injury, and while even minor injuries without serious consequences cannot be considered desirable, I would not feel that the gravity of these three particular cases demanded any further immediate attention to this toy. Based on the information provided, such reports would tend instead to indicate that the retrofit design thus far was accomplishing its purpose.

cc: Nick Marchica

*WPE*  
*198*

ID #  
RP #  
HEB #

PRODUCT SAFETY ASSESSMENT (PSA)  
TECHNICAL EVALUATION  
REQUEST

PSA USE ONLY

REQUEST: 222  
TIME/DATE RECEIVED: 2:00 PM / 7/25/81

REQUESTED BY:

Shimazaki / Kramer  
(Requestor's Name/Title - Please Print)

RECEIVED BY:

Nick Macthica / PM  
(Name/Title - Please Print)

793 7/22/81 PRIORITY: High  
(Org. Code) (Date) (Corrective Action Use Only)

DATE DUE:

TYPE OF EVALUATION REQUESTED (Please Print):

Dr. Esch has been provided with injury data relating to the Fun Fountain toy. Please review the following three complaints/injuries and render an opinion as to whether you believe the modified Fun Fountains present

PRODUCT IDENTIFICATION:

Wham-O  
(Manufacturer/Importer)

(Sample Number - If Applicable)

Fun Fountain

(Other Descriptive Information - Brand Name/Model/Etc.)

THIS BLOCK FOR PSA USE ONLY

ASSIGNED TO:

Dr. Esch 145  
(Name/Organization Code)

DATE ASSIGNED:

7/25/81

ADDITIONAL INSTRUCTIONS:

a review risk of injury to children:

1) Diana Richmond complaint

2) Mary Ortschaid complaint completed by

3) Barbara Bowman complaint 7/31/81?

Can this be

Planned information and... None

501

*Press Intelligence, Inc.*  
WASHINGTON, D.C. 20005

Front Page	Edit Page	Other Page
---------------	--------------	---------------

TAZEWELL, VIRGINIA  
CLINCH VALLEY NEWS

WEL 10 1980  
WEEKLY - 4,358

DEC 10 1980

### Causes Eye Injury

## Water Toy Is Dangerous

Parents, take note! More than 100,000 outdoor "Fun Fountain" water toys may cause serious eye injuries to children, reported the U. S. Consumer Product Safety Commission.

Extension safety specialists at Virginia Tech said that a free correction program is being conducted voluntarily by the Wham-O Manufacturing Co. of San Gabriel, Calif.

"The toy consists of a clown hat and head which

attach to the end of a garden hose," said Glen H. Hetzel, Extension safety specialist at Tech. "The hat rises in the air as water flows through the clown's head. The stream of water could cause serious eye injuries to children who peer into the water outlet."

Since June, 1979, six and seven-year-old boys have suffered eye injuries when struck at close distance by the water stream.

The toys have been sold

nationwide in toy stores and variety stores for approximately \$10. Model number 237 is printed on the toy's package.

Hetzel said that parents should go to their retailer to receive a free valve insert for the toy to control the water flow. They also may receive the insert by contacting Wham-O, Customer Service Department 7, 835 East El Monte Street, San Gabriel, Calif. 91778; toll-free telephone (800) 423-4174.

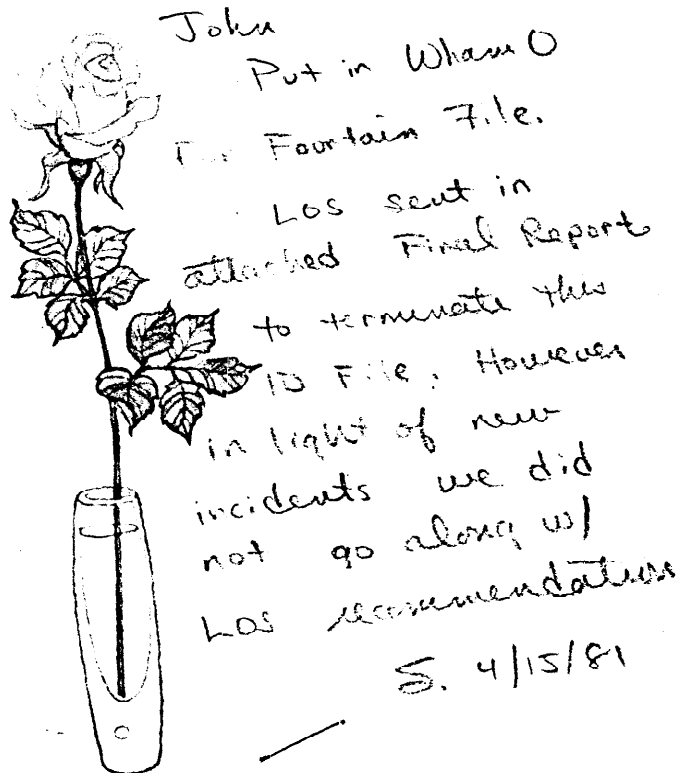
All "Fun Fountain" toys manufactured since December 1979 are equipped with water flow control valves. These new editions can be identified by a blue hose connector (instead of a red connector) at the base of the clown head.

"Important Notice" and "Safety Check List" also are printed on the new toy cartons.

MEMO RECORD	AVOID ERRORS PUT IT IN WRITING	DATE
FROM:		OFFICE
TO:		DIVISION
SUBJECT:		

SUMMARY

FROM THE DESK OF  
**Sandi Shimasaki Kitzes**



Form PP-226 ©The Drawing Board Inc., Box 505, Dallas, Texas

242

201

SIGNATURE

DOCUMENT NUMBER

## Memorandum

CEPD

DATE: 12 January 1980

Andres P. Marcos, Section 15 Coordinator  
Los Angeles Regional Office*AP Marcos*

ID 80-16

"FUN FOUNTAIN" Toy

Wham-O Manufacturing Company

835 East El Monte Street

San Gabriel, California 91778

FINAL REPORT

- 1) Firm's recall/CAP: CPSC believed that the Fun Fountain toy is designed that it invites children to look into the nozzle and that force of water through nozzle may cause eye injury. The firm supplied free corrective water control valve inserts for the toys which was to be inserted in the hose connector of the product.
- 2) Dates program started and completed: 11/14/79 - 1/06/81
- 3) Evaluation of notification program: Notification letters were sent to toy representatives and salesmen on 12/14/79 and 2/20/80.

Direct accounts were notified by letter on 2/20/80. Retrofit kits were sent to direct accounts between 2/20/80 and 3/07/80.

Consumers were advised of recall by a joint CPSC/WHAM-O press release on 3/10/80. In addition, recall posters were sent to retailers.

- a. Notifications attempted: 4,634  
Notifications completed: 4,634

Note: Of this total amount, 80% are reported to be retailers;  
20% are wholesalers/distributors

- b. Retail effectiveness checks  
Effectiveness inspections conducted: 20  
Firms in full compliance: 20  
Firms not notified: 0

- 4) Number of products corrected: In the firm's status report of 12/18/80, the firm received accumulative total requests for 71,866 valves and 2,944 corrective action posters. Wham-O shipped what was requested.

TOTAL INVOLVED: 517,614  
VALVES REQUESTED/SHIPPED: 71,866  
% EFFECTIVE: 14%

*not 202*

Memo, dated 1/12/81

- 5) Disposition of returned products: No units returned. Wham-O provided retrofit kits to dealers and consumers who requested them.
- 6) Action of firm to prevent reoccurrence: A new water flow valve was designed which lessened the flow of water out of the nozzle. This new valve was incorporated into production after 11/30/79. ESEP examined the new valve and found it safer with a reduced risk of injury.
- 7) Samples collected: None by LOS-RO
- 8) Legal actions initiated: None by LOS-RO
- 9) Injuries, deaths, complaints: CPSC had been informed of two complaints involving eye injuries.
- 10) Remarks: Firm's status reports since September, 1980, indicate that requests for valves are minimal and have decreased since that period.
- 11) Recommendation: LOS-RO recommends that this ID be closed.

/ACJ

203 *tlh*

EIR: WHAM-O MANUFACTURING COMPANY  
835 East El Monte Street  
San Gabriel, California 91778  
9/25/80 WP (8118)

SUMMARY:

This inspection was performed as a follow up to the firm's corrective action plan on its Fun Fountain (ID 80-16). The CPSC received two new complaints of injury on Fun Fountains which had been modified, and which thus were purportedly safe units. I therefore was requested by Sandra Shimasaki, CEPD, (through a 9/24/80 assignment addendum to a 9/12/80 assignment) to inquire of the firm what additional action it anticipated taking.

The firm's management indicated that it will immediately investigate the two injury reports and will provide CPSC with the results of its investigation. Until such investigations are completed no new or additional corrective actions will be implemented.

PERSONS INTERVIEWED:

I issued a Notice of Inspection to Mr. Kenneth A. Milliard, Vice President and General Counsel of the firm. Also, I presented my credentials to Mr. Millard, and to Mr. Dick Gillespie, Vice President of Operations and Products, and to Mr. Darle L. Kerenbush, Director of Research and Development.

The<sup>s</sup> gentlemen supplied all of the information contained within this report.

WHAM-O'S RESPONSE TO COMPLAINTS FILED WITH CPSC:

- (1) I provided these gentlemen with a copy of accident investigation report number 800805 CHI 5041 and its associated consumer complaint, document number G08-0006. This action was taken pursuant to Ms. Shimasaki's authorization. Mr. Millard was aware of this complaint and had, in fact, previously spoken with and written to the complainant about the accident. My inquiry on this date related to a possible misunderstanding between Mr. Millard and the CPSC.

According to Mr. Millard the subject product had not been modified at the time of the accident. Using the CPSC report as evidence, I explained that the opposite was true. The issue was finally resolved following a long distance telephone call to the victim's parents.

The parents stated that the accident occurred using a Fun Fountain which had been modified. That is, the accident occurred with a unit which incorporated the blue flow restrictor.

Mr. Millard then informed me that it would be helpful to Wham-O in its evaluation of the accident if it could examine the subject product. Unfortunately, the parents reported that following the CPSC's investigations they discarded the toy.

204



EIR: WHAM-O MANUFACTURING COMPANY  
835 East El Monte Street  
San Gabriel, California 91778  
9/25/80 WP (8118)

WHAM-O'S RESPONSE TO COMPLAINTS FILED WITH CPSC (CONT'D):

- (2) I also provided Wham-O with a copy of Consumer Complaint Report number H-090102, dated 8/19/80. Mr. Millard reviewed the complaint and, in response, <sup>STATED THAT HE</sup> will have the complaint reviewed by Wham-O's staff. He will ask the firm's medical doctor to contact the victim's parents and make a report regarding his findings. Wham-O will inform CPSC of the substance of that report upon its completion.

WHAM-O RECEIVES NEW COMPLAINT:

A search of Wham-O's complaint files revealed that it had received one new complaint of which the CPSC was unaware. On 8/23/80, a complaint was filed with the firm regarding a three year old <sup>CHILD</sup> who was psychologically impaired after being hit in the eye with a stream of water from the subject product.

Mr. Millard wrote the victim's parents, who reside at 88 Black Pine Lane, Levittown, Pen., 19054, and requested additional information about the incident. As of the date of this inspection, Wham-O has not received a response from the complainant.

FRED MEYER EFFECTIVENESS REPORT:

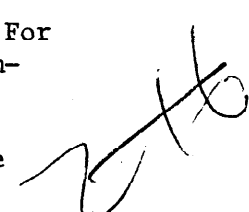
In accordance with instructions from Andres Marcos, LOS Section 15 Coordinator, I informed the firm of an apparent lack of recall effectiveness at the Fred Meyer store in Bellevue, Washington. Mr. Millard replied that he will immediately communicate to the store all necessary information regarding the Fun Fountain product modification program.

CLOSING DISCUSSION:

Wham-O's management agreed to inform the CPSC of its receipt of any new complaints regarding the subject product. Such complaints, however, will be limited to those dealing with physical injury from water.

The firm's management requested that the CPSC inform victims to retain possession of products for a reasonable length of time following an injury. Without a physical analysis of suspect products Wham-O is significantly hindered in its failure <sup>MODE</sup> evaluations.

Management emphasized that it has a strong quality control program. For example, each batch of newly manufactured flow control devices is sampled and tested to assure compliance with design specifications. To date, no lot has been rejected. The firm promised to continue its efforts to assure the safety of its products, and it will communicate with the CPSC if difficulties ensue.



EIR: WHAM-O MANUFACTURING COMPANY  
835 East El Monte Street  
San Gabriel, California 91778  
9/25/80 WP (8118)

CLOSING DISCUSSION (CONT'D):

Mr. Millard asked me to inform appropriate levels of CPSC management regarding the need to promptly relay accident and complaint data to Wham-O. Only in this way can the firm act responsively and best serve the public.

ATTACHMENTS TO REPORT:

- 1) 8/13/80 letter to Darle L. Kerkenbush
- 2) Accident Investigation Report Number 800805 CHI 5041
- 3) Diane Richmond's Consumer Complaint, Document Number G08-0006 dated 7/28/80
- 4) Laurel Dollinger's Consumer Complaint, Document Number T060116, dated 6/20/80
- 5) Fred Meyer store Effectiveness Check, dated 7/ 1/80
- 6) Two memos from Sandra Shimasaki, CEPD, dated 9/24/80
- 7) Mary Ortscheid's Consumer Complaint, Document Number H-090102, dated 8/19/80

*Wayne Pollack*

Wayne Pollack  
Product Safety Investigator  
Los Angeles Regional Office

/acj

Addendum:

Appended to this report are letters from Wham-O, dated 9/26/80 and 10/14/80. In these letters Wham-O outlines the actions it took in response to my inspection.

## U.S. CONSUMER PRODUCT SAFETY COMMISSION

## NOTICE OF INSPECTION

1. DATE

7/25/80

3. FROM (Area Office and Address)

2. TIME

A.M. 2:50 P.M.

A. NAME AND TITLE OF INDIVIDUAL

Russell A. Smith, Jr. General Counsel

B. FIRM NAME

Hobbs &amp; Co. Inc. - Atlanta, Georgia

4. TO

C. NUMBER AND STREET ADDRESS

655 East 17th Street

D. CITY, STATE AND ZIP CODE

San Gabriel, California 91778

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

## 5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

## 6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations. 16 CFR Part 1015.

7. SIGNATURE (Authorized CPSC Official)

UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
Los Angeles Area Office  
3660 Wilshire Boulevard, Suite 1100  
Los Angeles, California 90010  
(213) 688-7272

Per APM  
This letter was  
never sent to firm  
up

13 August 1980

Darle L. Kerkenbush,  
Director of Research and Development  
Wham-O Manufacturing Company  
835 East El Monte Street  
East El Monte, California 91778

Re: CPSC ID 80-16

Dear Mr. Kerkenbush,

We have received two (2) consumer complaints alleging that the "Fun Fountain" toy was either purchased or being held for sale and were not modified as per Wham-O's press release and information contained in the April, 1980 issue of "CPSC MEMO." Details are as follows:

- 1) Complainant: Laurel Dellinger  
22 164th Avenue S.E.  
Bellevue, Washington 98008  
(206) 746-2496

Complainant observed toy being held for sale during June, 1980 at Fred Meyer (Redmond Store), 2041 148th N.E., Bellevue, Washington. Complainant did not purchase the toy.

- 2) Complainant: Diane Richmond  
4981 Oak Lane  
Gurnee, Illinois 60031  
(312) 662-2197

Complainant purchased "Fun Fountain" on 7/4/80 from a Tru-Value Store, Gurnee, Ill. (street address unknown). Complainant also reports that her daughter sustained an eye injury when struck by water emitted from the toy.

At your earliest convenience, please advise this office in writing what action Wham-O will undertake involving the above mentioned complaints.

Sincerely,

*AP Marcos*  
Andres P. Marcos

Section 15 Coordinator  
Los Angeles Regional Office

/acj

*[Handwritten signature]*

208